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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 LANCE DULIN,

10 Plaintiff,

11 v.

12 KINKISHARYO INTERNATIONAL,
13 LLC,

14 Defendant.

Case No. C08-1729RSL

ORDER TO SHOW CAUSE

15 This matter comes before the Court *sua sponte*. On December 1, 2008, defendant
16 removed this action to this Court alleging that the Court has jurisdiction based on the
17 diversity of citizenship of the parties. See 28 U.S.C. § 1332(a) (establishing that the
18 federal court’s basic diversity jurisdiction extends to “all civil actions where the matter in
19 controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different States.”).
20 “For a case to qualify for federal jurisdiction under 28 U.S.C. § 1332(a), there must be
21 complete diversity of citizenship between the parties opposed in interest.” Kuntz v.
22 Lamar Corp., 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted). In
23 examining whether complete diversity is present, the citizenship of a limited liability
24 company is determined by examining the citizenship of the owners/members. See

1 Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (holding
2 that “like a partnership, an LLC is a citizen of every state of which its owners/members
3 are citizens.”).

4 The complaint, however, alleges that plaintiff is a citizen of Washington and that
5 defendant has its principal place of business in Washington. Moreover, the removal
6 papers fail to allege the citizenship of each owner/member of the LLC. Therefore,
7 defendant has failed to meet its burden to establish the basis of the Court’s jurisdiction.
8 See Indus. Tectonics, Inc. v. Aero Alloy, 912 F.2d 1090, 1092 (9th Cir. 1990) (“The party
9 asserting jurisdiction has the burden of proving all jurisdictional facts”); Fed R. Civ. P.
10 12(h)(3) (“If the Court determines at any time that it lacks subject-matter jurisdiction, the
11 court must dismiss the action”). As a result, defendant is ORDERED TO SHOW CAUSE
12 why the Court should not remand this action for lack of subject matter jurisdiction under
13 Fed. R. Civ. P. 12(h)(3) by providing the Court with the citizenship of all of Kinkisharyo
14 International, LLC’s owners/members, at the time the complaint was filed, by May 1,
15 2009. The Clerk of the Court is directed to place this order to show cause on the Court’s
16 calendar for May 1, 2009.

17 DATED this 16th day of April, 2009.
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22 Robert S. Lasnik
23 United States District Judge
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